

At an IAS Part 13 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse thereof, on the 18 day of July, 1986.

P R E S E N T:

HON. MARTIN B. STECHER,
Justice.

JUL 24 1986

FEDERAL INSURANCE COMPANY; LLOYDS UNDER-
WRITERS; SPHERE INSURANCE CO. LTD.; DRAKE
INSURANCE CO. LTD.; SPHERE INSURANCE CO.
LTD. "B" A/c; THREADNEEDLE INSURANCE CO.
LTD.; ANDREW WEIR INSURANCE CO. LTD.;
ENGLISH & AMERICAN INSURANCE CO. LTD.;
NIPPON FIRE & MARINE INSURANCE CO. (U.K.)
LTD.; NORWICH UNION FIRE INSURANCE SOCIETY
LTD. "TRUST"; NORWICH UNION FIRE INSURANCE
SOCIETY LTD. "Z" A/C "TRUST"; BRITISH
LAW INSURANCE CO. LTD. NO. 2 A/C;
BISHOPGATE INSURANCE CO. LTD. "P" A/c;
BRITISH LAW INSURANCE CO. LTD.; OCEAN
MARINE INSURANCE CO. LTD.; PHOENIX
ASSURANCE CO. LTD.; PRUDENTIAL ASSURANCE
CO. LTD. "TRUST" A/C.; INDEMNITY MARINE
ASSURANCE CO. LTD. "T" A/c.; SOVEREIGN
MARINE & GENERAL INSURANCE CO. LTD.; THE
TOKIO MARINE & FIRE INSURANCE CO. (U.K.)
LTD.; TAISHO MARINE & FIRE INSURANCE CO.
(U.K.) LTD.; STOREBRAND INSURANCE CO. (U.K.)
LTD.; ATLANTIC MUTUAL INSURANCE CO.; and
ALLIANZ INTERNATIONAL INSURANCE CO. LTD.,

Index No.:
20822/85

ORDER / JUDGE

Plaintiffs,

-against-

GERASSIMOS VINIERIS, a/k/a "MIKE VINIERIS"
a/k/a "CAPTAIN MIKE", a/k/a "CAPTAIN MIKE G.
VINIERIS", a/k/a "MIKE G. VINIERIS", a/k/a
"CAPTAIN MIKE VINIERIS", a/k/a "CENTURY
SHIPPING LINES CO., INC." a/k/a "DEBORAH H.
VINIERIS", a/k/a "PINELOPI BARBATI", CENTURY
SHIPPING LINES CO., INC., DEBORAH H. VINIERIS,
AND PINELOPI BARBATI,

Defendants.

-X

Plaintiffs having moved pursuant to CPLR 3212 for an order granting plaintiffs summary judgment against defendant Gerassim Vinieris, a/k/a "Mike Vinieris", a/k/a "Captain Mike", a/k/a "Captain Mike G. Vinieris", a/k/a "Mike G. Vinieris", a/k/a "Captain Mike Vinieris", a/k/a "Century Shipping Lines Co., Inc.", a/k/a "Deborah H. Vinieris", a/k/a "Pinelopi Barbatz", together with the costs and disbursements of this action and such other and further relief as the Court may deem just and proper and this Court having rendered decision dated June 24, 1986 granting plaintiffs' motion in its entirety,

NOW, upon reading and filing the notice of motion, dated February 12, 1986 and the affidavit of Robert G. Post, sworn to February 11, 1986, together with the exhibits annexed thereto incorporated by reference therein, and the affidavit of service thereof, in support of the motion, the affidavit of Stanley R. Karas sworn to on March 6, 1986, in opposition to the motion, the affidavit of Robert G. Post, sworn to on March 11, 1986, together with the exhibits annexed thereto, in further support of the motion, upon the decision of the Honorable Martin B. Stecher, dated June 24, 1986, and upon due deliberation,

NOW, on the motion of HENDLER & MURRAY, P.C., attorneys for plaintiffs, it is

ORDERED, that plaintiffs' motion for summary judgment be granted in its entirety, and it is further

ADJUDGED

THAT THE COURT shall enter judgment in favor of plaintiffs and against defendant Gerassimos Vinieris a/k/a "Mike Vinieris", a/k/a "Captain Mike", a/k/a "Captain Mike G. Vinieris", a/k/a "Mike G. Vinieris", a/k/a "Captain Mike Vinieris", a/k/a "Century Shipping Lines Co., Inc." a/k/a "Deborah H. Vinieris", a/k/a "Pinelopi Barbati", for the sum of \$3,300,000.00 with interest, AS COMPUTED BY THE CLERK IN THE SUM OF \$330,956.14 from February 8, 1983, together with costs and disbursements taxed, and it is further ORDERED IN ALL TO HAVE EXECUTION THEREON, AND IT IS FURTHER

ADJUDGED AND DECREED

that a constructive trust on behalf of plaintiffs is impressed upon accounts and certificates of deposit at Citibank, N.A., numbers 50226817, 50226585, 05054411, 00856706, 50160387, 50150517, 5400195938, 5403824218, 04604952746, 0463314786, 0463314567, 0463314575, 0463314807, 0463314479 and upon the proceeds of said accounts and certificates of deposits in whatever form they may be, including but not limited to drafts and checks drawn upon the proceeds of said accounts and certificates of deposit, and that Citibank, N.A. is the constructive trustee for the sole and exclusive benefit of plaintiffs with respect to said accounts and certificates of deposit and the proceeds thereof, in whatever form they may be, and it is further

ADJUDGED AND DECREED

IS DIRECTED Citibank, N.A., to deliver to plaintiffs' attorneys, Hendler & Murray, P.C., the proceeds of the property upon which a constructive trust on behalf of plaintiffs is impressed, including but not limited

to the proceeds of all drafts and checks drawn upon the proceeds of the accounts and certificates of deposit specified herein, and it is further

ADJUDGED AND DECREED

~~ORDERED~~, that the ~~Sheriff of the County of New York~~ judgment ^{IS DIRECTED} directing the Sheriff of the City of New York to deliver to plaintiffs' attorneys, Hendler & Murray, P.C., the property levied upon pursuant to the order of attachment herein, together with accrued interest, upon delivery to him of an execution issued upon the judgment to be entered herein.

ENTER

[Signature]
J.S.C.

[Signature]
clerk

FILED
JUL 30 1986
COUNTY CLERK'S OFFICE
NEW YORK

STATE OF NEW YORK
COUNTY OF NEW YORK, ss.
JOSEPH GOODMAN,
COUNTY CLERK AND CLERK
OF THE SUPREME COURT,
NEW YORK COUNTY,
do hereby certify: ON

NY-22003

THAT I HAVE COMPARED THE
COPY WITH THE ORIGINAL
FILED IN MY OFFICE ON
7/30/86
AND THAT THE SAME IS A
CORRECT TRANSCRIPT
THEREOF AND OF THE
WHOLE OF SUCH ORIGINAL.
IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY
OFFICIAL SEAL.

[Signature]
COUNTY CLERK NEW YORK COUNTY
FACSIMILE SIGNATURE USED
PURSUANT TO SEC. 581,
COUNTY LAW.

FILE NO.

PLAINTIFFS

FEDERAL INSURANCE COMPANY
100 William Street
New York, NY 10038

LLOYDS UNDERWRITERS; SPHERE
INSURANCE CO. LTD.; DRAKE
INSURANCE CO. LTD.; SPHERE INSURANCE CO.
LTD. "B" A/c; THREADNEEDLE INSURANCE CO.
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LTD.; TAISHO MARINE & FIRE INSURANCE CO.
(U.K.) LTD.; STOREBRAND INSURANCE CO. (U.K.)
LTD.; ATLANTIC MUTUAL INSURANCE CO.; and
ALLIANZ INTERNATIONAL INSURANCE CO. LTD.,

c/o HARTLEY COOPER & CO. LIMITED
85 Gracechurch Street
London EC3V0A3

DEFENDANT

GERASSIMOS VINIERIS, a/k/a "MIKE VINIERIS"
a/k/a "CAPTAIN MIKE", a/k/a "CAPTAIN MIKE G.
VINIERIS", a/k/a "MIKE G. VINIERIS", a/k/a
"CAPTAIN MIKE VINIERIS", a/k/a "CENTURY
SHIPPING LINES CO., INC." a/k/a "DEBORAH H.
VINIERIS", a/k/a "PINELOPI BARBATI",

c/o FEDERAL CORRECTION INSTITUTION
Penbrook Station
Danbury, CT 06811